

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**RAYMOND TATE,**  
Plaintiff,

v.

**UNITED STATES OF AMERICA,**  
Defendant.

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**Civil Action No. 7:18cv00142**

**MEMORANDUM OPINION**

**By: Norman K. Moon**  
**United States District Judge**

Raymond Tate, a federal inmate proceeding pro se, filed a pleading in the Southern District of Ohio, pursuant to 28 U.S.C. § 1346 Federal Tort Claims Act. By Order entered May 22, 2018, the court directed plaintiff to submit within 20 days from the date of the Order the consent to withholding of filing fees form in order to complete the application to proceed in forma pauperis. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice. Plaintiff failed to comply with the Order within 20 days. Accordingly, the court dismissed the complaint without prejudice.

Plaintiff has now filed a motion for reconsideration or alternatively to alter or amend. However, plaintiff has still not complied with the May 22, 2018 Order directing him to consent to withholding of filing fees. Accordingly, the court dismisses plaintiff's motion to reconsider without prejudice. Plaintiff is once again advised that he may refile his claims in a separate action once plaintiff is prepared to comply with the noted conditions.

An appropriate order will be entered

**ENTER:** This 20th day of July, 2018.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE